UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,929	12/06/2001	William P. Brown	019417-000120US	9109

			EXAMINER
20350	7590	03/21/2006	BESROUR, SAOUSSEN

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *06 December 2001*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *06 December 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *3/10/2005*. 7-2-2004

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the communication filed 12/6/2001.

2.   Claims 1-16 were received for consideration.

3.   No preliminary amendments for the claims were filed. Currently claims 1-

16 are under consideration.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

4.   **Claims 1-16** of the instant application No. 10/006929 are rejected on the ground

of nonstatutory obviousness-type double patenting as being unpatentable over claims 1,

4, 5, 9-12, 17-20, 22 and 25-27 of U.S. Patent No. 6,912,668 in view of DeKoning et al.

(U.S. Patent No. 6,073,218).

Patent No. 6,912,668 discloses all the elements in the instant Application

10/006929 except for "broadcasting a message from the first AMF to the other AMFs

sharing access to the first resource so as to acquire access to the first resource".

DeKoning et al. discloses: "broadcasting a message from the first AMF to the other

AMFs sharing access to the first resource so as to acquire access to the first resource"

in Column 4, Lines 10-11, Column 9, Lines 48-53, Column 10, Lines 4-8 and Column

14, Lines 5-6. Therefore, it would have been obvious to one with ordinary skill in the art

at the time the invention was made to use the teachings of DeKoning et al. in

conjunction with U.S. Patent No. 6,912,668 for the benefit of transmitting a message to

all entities on a network.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   **Claims 1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by

DeKoning et al. (U.S. Patent No. 6,073,218).

As per **claim 1**, DeKoning et al. discloses: receiving a request from a host, by a

first one of the AMFs, to perform a first operation on data stored on a first one of the

resources (Column 9, Lines 5-7, 37-42); broadcasting a message from the first AMF to

the other AMFs sharing access to the first resource so as to acquire access to the first

resource (Column 4, Lines 10-11, Column 9, Lines 48-53, Column 10, Lines 4-8 and

Column 14, Lines 5-6); and performing the first operation on the data by the first AMF

(Column 9, Lines 48-53).

As per **claim 11**, DeKoning et al. discloses: receiving a request from a host, by a

first one of the AMFs, to perform a first operation on data stored on a first one of the

resources (Column 9, Lines 5-7, 37-42); determining from the request whether the

identified data is shared by one or more of the other AMFs (Column 15, Lines 65-67);

and if so: broadcasting a message from the first AMF to the other AMFs sharing access

to the first resource so as to acquire access to the first resource (Column 4, Lines 10-

11, Column 9, Lines 48-53, Column 10, Lines 4-8 and Column 14, Lines 5-6); and

performing the first operation on the data by the first AMF (Column 9, Lines 48-53); and

if not: performing the first operation on the data by the first AMF (Column 9, Lines 48-

53).

As per **claim 15**, DeKoning et al. discloses: means for receiving a request from a

host to perform an operation on data stored on a first one of the resources by a first

AMF (Column 9, Lines 5-7, 37-42); means for broadcasting a message from the first

AMF to other AMFs sharing access to the first resource so as to acquire access to the first resource (Column 4, Lines 10-11, Column 9, Lines 48-53, Column 10, Lines 4-8 and Column 14, Lines 5-6); and means for performing the first operation on the data by the first AMF (Column 9, Lines 48-53).

As per **claim 16**, DeKoning et al. discloses: means for receiving a request from a host to perform a first operation on data stored on a first one of the resources by a first AMF(Column 9, Lines 5-7, 37-42); means for determining from the request whether the identified data is shared by one or more of the other AMFs (Column 15, Lines 65-67); means for broadcasting a message from the first AMF to the other AMFs sharing access to the first resource so as to acquire access to the first resource if the data is shared (Column 4, Lines 10-11, Column 9, Lines 48-53, Column 10, Lines 4-8 and Column 14, Lines 5-6); and means for performing the first operation on the data by the first AMF(Column 9, Lines 48-53).

As per **claim 2**, rejected as applied to claim 1. Furthermore, DeKoning et al. discloses: the first operation is a write operation, the method further comprising receiving from the host the data to be written to the first resource by the first AMF (Column 9, Lines 5-7, 48-53).

As per **claim 3 and 14**, rejected as applied to claim 2 and 11. Furthermore, DeKoning et al. discloses: the broadcast message is a write invalidate request, and wherein, responsive to the invalidate request, each of the AMFs sharing access to the resource invalidates corresponding data stored in its cache (Column 9, Lines 64-67).

As per **claim 4 and 13**, rejected as applied to claim 2 and 11. Furthermore,
DeKoning et al. discloses: sending replication and state data from the first AMF to one
or more other AMFs concurrently with performing the write operation (Column 11, Lines
55-67 and Column 12, Lines 29-40).

As per **claim 5**, rejected as applied to claim 1. Furthermore, DeKoning et al.
discloses: the first operation is a read operation (Column 9, Lines 48-53).

As per **claim 6**, rejected as applied to claim 5. Furthermore, DeKoning et al.
discloses: performing a search of the cache of each of the AMFs sharing access to the
first resource for a copy of the data requested in the read request (Column 15, Line 55-
Column 16, Line10).

As per **claim 7**, rejected as applied to claim 6. Furthermore, DeKoning et al.
discloses: reading the requested data from the first resource if none of the AMFs
sharing access respond with a copy of the requested data (Column 16, Lines 11-13).

As per **claim 8**, rejected as applied to claim 6. Furthermore, DeKoning et al.
discloses: receiving the requested data from one of the AMFs sharing access to the
resource (Column 16, Lines 25-32).

As per **claim 9**, rejected as applied to claim 5, Furthermore, DeKoning et al.
discloses: the broadcast message identifies the data in the request, the method further
comprising searching the cache of each of the AMFs sharing access to the first
resource for the identified data, and forwarding the identified data to the first AMF if
found in the cache (Column 14, Lines 1-8, 26-30, Column 15, Lines 55-67 and Column
16, Lines 1-4, 30-31).

As per **claim 10**, rejected as applied to claim 1. Furthermore, DeKoning et al. discloses: determining whether the data identified in the request is shared by one or more other AMFs (Column 15, Lines 65-67).

As per **claim 12**, rejected as applied to claim 11. Furthermore, DeKoning et al. discloses: the request is one of a write data request and a read data request (Column 9, Lines 48-53).

Conclusion

6.   Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

CHRISTOPHER REVAK
PRIMARY EXAMINER

SB
March 15, 2006